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10/800,697	03/16/2004	Yong Cheol Park	0465-1157P	1773

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BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

DANIELSEN, NATHAN ANDREW

ART UNIT PAPER NUMBER

2627

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/800,697

Applicant(s)

PARK ET AL.

Examiner

Nathan Danielsen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1, 3, 4, and 6-23 are pending. Claims 2 and 5 have been canceled and claims 14-23 have been added in Applicant's amendment filed 15 September 2006.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3, 4, 6, 7, 10-13, 18, 19, 22, and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Each of claims 1, 10, and 22 contain the limitations drawn to "issuing a command" and "issuing information". This is seen as being new matter because Applicant has not described in the specification how commands and information are "issued". Further, claim 10 contains the limitation a "next right command". This is also seen as being new matter because Applicant has not adequately described what a "next right command" is. Claims 3, 4, 6, 7, 11-13, 18, 19, and 23 are rejected as being dependent on a rejected base claim.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 3 recites the limitation "the outputted information". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 3, 4, and 6-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Gotoh et al (WO 98/14938 and equivalent US Patent 6,292,625; hereinafter Gotoh).

Regarding claims 1 and 20-23, Gotoh discloses a method for managing a defective area on a recording medium, the recording medium including a defect management area including a defect management information, which indicates a position of a defective area, the method comprising:

receiving a command for real time recording or reproducing (step A3 in figure 1);

determining whether a found defective block is listed in the defect management information (col.

8, lines 62-67, col. 9, lines 34-43, and steps A4-A6 in figure 1);

skipping the defective block and recording or reproducing data in a next available block if the

found defective block has been listed in the defect management information (col. 9, lines 34-43 and steps A4-A6 in figure 1);

identifying a number of blocks skipped during the real time recording or reproducing (col. 14, line 61 through col. 15, line 9); and

issuing an information associated with the number of blocks skipped for at least a next recording or reproducing operation (col. 14, line 61 through col. 15, line 9).

Regarding claim 3, Gotoh discloses where the method further comprises:

updating a remaining recording capacity of the recording medium based on the outputted

information (suggested by col. 11, line 59 through col. 12, line 13; where knowing the

address ranges of free areas will allow the apparatus to know how much free space there is).

Regarding claim 4, Gotoh discloses where the method further comprises:

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recording an information to indicate that the defective block has been listed in the defect management information and has not been replaced (col. 11, lines 1-9).

Regarding claim 6, Gotoh discloses where the receiving step further includes receiving a logical block address to designate a recording or reproducing position and a transfer length information to identify an amount of data to be recorded or reproduced (col. 10, lines 52-65).

Regarding claim 7, Gotoh discloses where the defect management information is PDL (Primary Defect List) and/or SDL (Secondary Defect List) (col. 8, lines 22-24; where the single defect list is the claimed PDL).

Regarding claim 8, Gotoh discloses a method for managing a defective area on a recording medium, the recording medium including a defect management area including defect management information, which indicates a position of a defective area, the method comprising:

receiving a command for reproducing, the command indicating type information to indicate that recorded data is real time data (col. 12, lines 18-48);

determining whether a found defective block has been listed in the defect management

information and the defective block has not been replaced with an available block of spare area based on an information, the information indicating whether the defective block is replaced with an available block of spare area (col. 12, lines 18-48); and

controlling the reproduction of the real time data such that an optical pickup skips the defective

block and reproduces the data in a next available block without jumping to the spare area if the found defective block has been listed in the defect management information and the defective block has not been replaced with an available block of spare area (col. 12, lines 18-48).

Regarding claim 9, Gotoh discloses where the defect management information is PDL (Primary Defect List) and/or SDL (Secondary Defect List) (col. 8, lines 22-24; where the single defect list is the claimed PDL).

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Regarding claim 10, Gotoh discloses a system for managing a defective area on a recording medium, the recording medium including a defect management area including defect management information, which indicates a position of defective area, the system comprising:

a recording/reproducing device to record or reproduce on or from the recording medium, the

recording/reproducing device receiving a command for real time data recording or reproducing, checking whether or not a found defective block is listed in the defect management information, skipping the defective block and recording data in a next available block if the found defective block has been listed in the defect management information, and recording an information to indicate that the defective block has been listed in the defect management information has not been replaced (col. 8, lines 62-67, col. 9, lines 34-43, and col. 12, lines 18-48); and

a host device, coupled to the recording/reproducing device, to control a recording/reproducing device, the host device transferring the command for real time data recording or reproducing to the recording/reproducing device, and controlling the recording/reproducing device to record or reproduce data according to the command (col. 9, lines 6-12);

wherein the recording/reproducing device outputs an information for indicating a number of blocks skipped during a real time recording or reproducing to the host device, and the host device receives the information from the recording/reproducing device and issues a next write command based on the received information (col. 14, line 61 through col. 15, line 9).

Regarding claim 11, Gotoh discloses where the host detects an amount of data recorded based on the information and updates the remaining capacity of the recording medium (col. 14, line 61 through col. 15, line 9).

Regarding claim 12, Gotoh discloses where the command further includes a logical block address to designate a recording or reproducing position and a transfer length information to identify an amount of data to be recorded or reproduced (col. 10, lines 52-65).

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Regarding claim 13, Gotoh discloses where the command further includes a recording or reproducing speed (col. 9, lines 17-33; where an indication that real-time recording is required indicates that 1X is the required recording speed and an indication that real-time recording is not required indicates that the recording speed can be any other speed).

Regarding claims 14, 16, and 18, Gotoh discloses where a speed flag is set according to a write speed of the data to be written (inherent in col. 9, lines 17-33).

Regarding claims 15, 17, and 19, Gotoh discloses where a linear replacement is executed when transfer speed is lower than the write speed by a predetermined amount, except when real time processing is required (col. 9, lines 6-16).

#### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1, 3, 4, and 6-13 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Closing Remarks/Comments***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsens whose telephone number is (571) 272-4248. The examiner can normally be reached on Monday-Friday, 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nathan Danielsens  
11/22/2006

ND

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER